

REMARKS/ARGUMENTS

Applicant submits this amendment in response to the Office Action mailed May 5, 2006. A petition for a three-month extension of the term for response to said Office Action, to and including November 5, 2006, is transmitted herewith.

Applicant respectfully requests reconsideration and allowance of claims 1-5, 7-11, 13-17 and 19-20 that are pending in this application.

Claims 1-5, 7-11, 13-17 and 19-20 were rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Borger et al. (U.S. Patent 5,875,706), hereinafter "Borger." Claim 1 provides a cover assembly for a food processing appliance comprising a cover for cooperating with a container, and an accessory for cooperating with the ingress area. The container cooperates with an operating base, the cover has an upper side with a predefined ingress area, and the operating base has a rotating tool with a center of rotation and a peripheral impact region. The peripheral impact region is radially distanced from the center of rotation. The ingress area has a cross-sectional area substantially equal to half that of a lower side of said cover, and the ingress area does not overlap the center of rotation.

Borger discloses a food processing apparatus with a base unit which has at least two separate mounts, each for one processing bowl, with one drive member being positioned in the area of each of the mounts and being in driving

connection with an electric motor, and with a bowl locking device assigned to each of the mounts.

Borger, however, does not disclose wherein the ingress area has a cross-sectional area substantially equal to half that of a lower side of said cover, as recited in claim 1 of the instant application. Borger nowhere implies or specifies a preferred cross-sectional area of the feed tube. In fact, although Borger does not specify a preferred size of an opening, the feed tube shown (no reference number provided in Borger) in Fig. 3 clearly appears much smaller than half that of the cover. Fig. 3 appears to show the feed tube as being significantly less than half the size of the cover. As seen in attached, marked-up Fig. 3, the hatched lines supplied by applicant show an area A (ingress area not hatched for clarity) that is half that of a lower side of the cover. As clearly seen, Borger not only fails to specify a preferred size of an opening, but shows it as likely being less than one quarter the size of a lower side of the cover, but in any case is clearly less than any measurement even approaching one half. This is significant, as an object of the present invention is to provide a cover for a food processing appliance that maximizes an ingress area while still preserving safety and thereby provide greater flexibility in use. (Application at page 2). As such, applicant respectfully requests that this rejection be withdrawn.

The rejection as to claims 2-5 should also be withdrawn, inasmuch as each of these claims depends, directly or indirectly, from claim 1.

Independent claims 7 and 13 include recitals similar to claim 1. Therefore, for at least reasoning similar to that provided in support of the patentability of claim 1, claims 7 and 13 are patentable over Borger.

Claims 8 through 11 depend from claim 7, and claims 14 through 17, 19 and 20 depend from claim 13. For at least reasoning similar to that provided in support of the patentability of claims 7 and 13, claims 8 through 11, 14 through 17, 19 and 20 are also patentable over Borger.

Applicant respectfully requests favorable consideration and that this application be passed to allowance.

Respectfully submitted,

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